

FCC MAIL SECTION

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Before the
Federal Communications Commission DA 96-584
Washington, D.C. 20554

In the Matter of)	MM Docket No. 96-92
)	
AJI Broadcasting, Inc.)	
)	
Order to Show Cause Why the)	
License for Station KRBG(FM))	
Canadian, Texas Should)	
Not be Revoked)	

ORDER TO SHOW CAUSE
AND
HEARING DESIGNATION ORDER

Adopted: April 12, 1996

Released: April 16, 1996

By the Assistant Chief, Audio Services Division:

1. The Assistant Chief, Audio Services Division, Mass Media Bureau, has before him for consideration: (a) a license held by AJI Broadcasting, Inc. ("AJI") for Canadian, Texas; and (b) the results of an investigation into the station's silent status.¹

2. The Commission's records indicate that KRBG(FM) has been off the air since April 30, 1991 as a result of financial problems.² On December 20, 1994, the Commission approved the application (File No. BALH-940921GK) for the voluntary assignment of the station's license to AJI, conditioned upon the resumption of broadcast operations within sixty days of the date of consummation. The assignment was consummated February 21, 1995, but the station was not able to resume the minimum operating schedule prescribed by Section 73.1740(a)(1) of the Commission's Rules. On August 23, 1995, the Commission granted AJI special temporary authority to remain silent through October 1, 1995, acknowledging the delays experienced by AJI as the result of the health problems suffered by its sole shareholder. We have no indication that the licensee has either taken any action since the expiration of its special temporary authority to resolve the station's problems or that it, in the alternative, resumed operations pursuant to the Commission's rules. KRBG(FM) has thus been off the air for nearly five years, and has not demonstrated that causes beyond its control warrant the station's continued silence since the expiration of its special temporary authority

¹The Mass Media Bureau has been delegated authority to issue and release Show Cause Orders in cases involving silent broadcast stations. See Debrine Communications, Inc., 7 FCC Rcd 2118 (1992).

²AJI's license (BRH-900313UG, granted July 26, 1990) expires on August 1, 1997.

in 1995. Consequently, AJI is in apparent violation of Sections 73.1740(a)(4)³ and 73.1750⁴ of the Commission's Rules.

3. Accordingly, IT IS ORDERED, That pursuant to Sections 312(a) (3) and (4) of the Communications Act of 1934, as amended, AJI Broadcasting, Inc. IS DIRECTED TO SHOW CAUSE why the license for KRBG(FM) should not be REVOKED, at a hearing to be held at a time and location specified in a subsequent Order, upon the following issues:

- (1) To determine whether AJI Broadcasting, Inc. has the capability and intent to expeditiously resume the broadcast operations of KRBG(FM), consistent with the Commission's Rules.
- (2) To determine whether AJI Broadcasting, Inc. has violated Sections 73.1740 and/or 73.1750 of the Commission's Rules.

³Section 73.1740(a)(4) provides that:

"In the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, D.C. not later than the 10th day of limited or discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30-day period, the licensee will so notify the FCC of this date. If the causes beyond the control of the licensee make it impossible to comply within the allowed period, informal written request shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary."

⁴Section 73.1750 provides:

"The licensee of each station shall notify the FCC in Washington, D.C. of permanent discontinuance of operation at least two days before operation is discontinued. Immediately after discontinuance of operation, the licensee shall forward the station license and other instruments of authorization to the FCC, Washington, D.C. for cancellation."

- (3) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether AJI Broadcasting, Inc. is qualified to be and remain the licensee of KRBG(FM).

4. IT IS FURTHER ORDERED, That, pursuant to Section 312(d) of the Communications Act of 1934, as amended, both the BURDEN OF PROCEEDING with the introduction of evidence and the BURDEN OF PROOF with respect to the issues specified above shall be upon the MASS MEDIA BUREAU.

5. IT IS FURTHER ORDERED, That, to avail itself of the opportunity to be heard, the licensee, pursuant to Section 1.91(c) of the Commission's Rules, SHALL FILE with the Commission within thirty (30) days of the receipt of this Order a WRITTEN APPEARANCE stating that it will appear at the hearing and present evidence on the matters specified in the Order. If the licensee fails to file a written appearance within the time specified, or within thirty (30) days of receipt of this Order the licensee files a written statement expressly waiving its right to a hearing, the licensee's right to a hearing SHALL BE DEEMED TO BE WAIVED. In the event the right to a hearing is waived, the Presiding Judge, or the Chief, Administrative Law Judge if no Presiding Judge has been designated, SHALL TERMINATE the hearing proceeding and CERTIFY this case to the Commission in the regular course of business, and an appropriate Order shall be entered.⁵

FEDERAL COMMUNICATIONS COMMISSION

Stuart B. Bedell
Assistant Chief, Audio Services Division
Mass Media Bureau

⁵The Mass Media Bureau has been delegated authority to issue Revocation Orders in cases involving silent broadcast stations. See Radio Northwest Broadcasting Company, 4 FCC Rcd 596 n.3 (1989).